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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID RASMUSSEN, an individual, on
behalf of himself and all others similarly
situated

Plaintiffs,

v.

TESLA, INC., a Delaware corporation.

Defendant.

Case No.: 5:19-cv-04596-BLF

**STIPULATION AND ~~PROPOSED~~ ORDER TO
CONTINUE STAY PENDING MEDIATION
AS MODIFIED BY THE COURT**

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE STAY PENDING MEDIATION

CASE No.: 5:19-cv-04596-BLF

1 Plaintiff David Rasmussen (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), through their
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on August 7, 2019, Plaintiff filed Class Action Complaint;

4 WHEREAS, on October 31, 2019, pursuant to the parties’ stipulation, the Court stayed the case
5 pending mediation until February 28, 2020, set Defendant’s deadline to respond to Plaintiff’s Class
6 Action Complaint to March 13, 2020, and continued the Case Management Conference to March 26,
7 2020 (ECF No. 21);

8 WHEREAS, the parties previously scheduled a mediation for February 13, 2019, but to allow
9 sufficient to time to prepare for a productive session, they have instead sought a later mediation date
10 with the Hon. Daniel Weinstein and Cathy Yanni of JAMS, Inc.;

11 WHEREAS, the parties desire to preserve the status quo and prevent the parties and the Court
12 from unnecessarily expending resources pending mediation;

13 WHEREAS, the parties further agree that either party may terminate the stay upon written notice
14 to the opposing party. In that event, Defendant’s response to Plaintiff’s Class Action Complaint shall be
15 due 30 days thereafter, and the parties shall promptly propose a new date for the Case Management
16 Conference;

17 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as
18 follows: This matter shall be stayed until March 31, 2020 to facilitate the parties’ mediation. The
19 parties shall submit a report to the Court on or before that date regarding the outcome of the
20 mediation. Defendant’s deadline to respond to Plaintiff’s Class Action Complaint shall be
21 April 14, 2020 and the Case Management Conference currently scheduled for March 26, 2020, at
22 11:00 a.m. shall be continued to May 14, 2020 at 11:00 a.m., or as soon thereafter as shall be
23 convenient for the Court. If, however, either party terminates the stay, Defendant’s response to
24 the Class Action Complaint shall be due 30 days thereafter and the parties shall promptly submit
25 a proposed date for the Case Management Conference.

26
27 IT IS SO STIPULATED.
28

1 Dated: February 20, 2020

Respectfully submitted,

2
3 By: /s/ Sean P. Gates
4 Sean P. Gates
5 CHARIS LEX P.C.
Attorneys for Defendant
TESLA, INC.

6 Dated: February 20, 2020

Respectfully submitted,

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8 By: /s/ Edward C. Chen
9 Edward C. Chen
10 LAW OFFICE OF EDWARD C. CHEN
Attorneys for Plaintiff
11 DAVID RASMUSSEN

12 Dated: February 20, 2020

Respectfully submitted,

13
14 By: /s/ Nimish R. Desai
15 Nimish R. Desai
16 LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Attorneys for Plaintiff
17 DAVID RASMUSSEN
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ECF ATTESTATION

I, Sean Gates, am the ECF User whose ID and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER TO STAY CASE PENDING MEDIATION. In compliance with Local Rule 5-1, I hereby attest that Edward C. Chen has concurred in this filing.

Dated: February 20, 2020

By: /s/ Sean P. Gates
Sean P. Gates
CHARIS LEX P.C.
Attorneys for Defendant
TESLA, INC.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter shall be stayed until March 31, 2020 to facilitate the parties' mediation. The parties shall submit a report to the Court on or before that date regarding the outcome of the mediation. Defendant's deadline to respond to Plaintiff's Class Action Complaint shall be April 14, 2020 and the Case Management Conference currently scheduled for March 26, 2020, at 11:00 a.m. shall be continued to May ²¹~~14~~, 2020 at 11:00 a.m., ~~or as soon thereafter as shall be convenient for the Court.~~ If, however, either party terminates the stay, Defendant's response to the Class Action Complaint shall be due 30 days thereafter and the parties shall promptly submit a proposed date for the Case Management Conference

Dated: February 20, 2020



Honorable Beth L. Freeman
Judge of the United States District Court